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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,120	01/31/2002	Paul Reiss	Hartford-7	3332
45722	7590	06/11/2008		
Howard IP Law Group P.O. Box 226 Fort Washington, PA 19034			EXAMINER WEIS, SAMUEL	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 06/11/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/066,120

**Applicant(s)**

REISS, PAUL

**Examiner**

SAMUEL S. WEIS

**Art Unit**

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

1. This is in response to the Applicants' Request for Continued Exam (RCE) filed on March 14, 2008. Claims 1 and 3-29 are currently pending. Claims 1, 4, and 15 have been amended. Claims 1 and 3-29 have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 19, 2008 has been entered.

#### ***Priority***

3. Applicant claims priority from a provisional application filed February 5, 2001. The Examiner finds that the claimed limitations are not supported by this provisional application; therefore, Applicant's priority date will be the filing date of the original application, January 31, 2002.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 3-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bove et al., U.S. Pat. No. 7,149,713 (hereinafter, Bove), in view of Facciani et al., U.S. Pat. No. 5,999,917 (hereinafter, Facciani).

As to claims 1 and 15, Bove discloses a computer method and computer system for conforming the value of elements of a portfolio account to known relation, said account receiving at least one payment allocated among at least one fund category, each of said fund categories containing at least one investment vehicle, said method comprising the steps of (at least abstract):

receiving from said account an allocation of liabilities associated with said at least one payment allocated among at least a selected one of said at least one investment vehicles (See at least abstract and columns 13 and 14 and Figs. 2-8H);

identifying a liability balance comprising the step of: accumulating values of assets of the selected ones of said investment vehicles among each of said fund categories and said received liability allocation associated with the selected ones of said investment vehicles (See at least abstract and columns 13 and 14 and Figs. 2- 8H);

identifying an asset balance associated with said portfolio account (See at least abstract and columns 13 and 14 and Figs. 2- 8H);

divesting a portion of said selected ones of said investment vehicles from the portfolio account when said asset balance exceeds a known relation with regard to said liability balance until the value of the portfolio account is within limits with regard to the known relation to said liability balance (See at least abstract and columns 13 and 14 and Figs. 2-8H);and

providing an indication when the value of elements of the portfolio account conform to said known relation (See at least abstract and columns 13 and 14 and Figs. 8A-H).

Bove does not explicitly disclose said account receiving at least one deferred payment allocated among at least one category and receiving from said account an allocation of liabilities associated with said at least one payment allocated among at least a selected one of said at least one investment vehicles.

However, Facciani teaches a system for managing a deferred compensation plan that includes a participant investing a portion of a deferred payment into multiple mutual funds (background and abstract). It would have been obvious to combine Facciani and Bove for the motivation of giving clients multiple account deposit / saving options as well as tax benefit implications.

As to claims 3-14 and 16-29, Bove discloses:  
accumulating balances of selected ones of said investments vehicles within said fund categories; adding corresponding investment gains and/or losses to said accumulated balances; accumulating balances of selected ones of said investment vehicles within said investment vehicles; said investment vehicles are selected from the group comprising: cash, equities, stocks, bonds, mortgages, mutual funds, municipal bonds, corporate bonds, and insurance policies; selected ones of said investment vehicle are selected from the group comprising: stocks and equities; reporting said identified liability balance, said identified asset balance and said indication; reporting a liability balance associated with each of said investment vehicles; an asset balance associated with each of said investment vehicles; and an indication for each of said liability balances

associated with said investment vehicles when said each of said asset balance is within a known relation to a corresponding one of said liability balance; said indication is provided when said liability balance exceeds said asset balance; said known relation is an equality of said liability balance and said asset balance; said indication is provided when said liability balance exceeds a corresponding asset balance; said investment vehicles are sorted within predetermined groups; and, aid predetermined groups are selected from the group comprising: large capital, mid-size, small-capital, technology sector, medical sector (See at least abstract and columns 13 and 14 and Figs. 1-8H).

Claims 3-14 and 16-29 also stand as admitted prior art via Official Notice based on the Final Rejection of November 9, 2007 by Examiner Loftus.

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1 and 3-29 for the art rejection have been considered but are moot in view of the new ground(s) of rejection.
7. The 35 USC §112 rejections have been overcome and are hereby withdrawn.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL S. WEIS whose telephone number is (571)272-1882. The examiner can normally be reached on 8:30 to 5, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stefanos Karmis/  
Primary Examiner, Art Unit 3693